

# DISTRICT SCHOOL JOURNAL,

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### INSTRUCTIONS, &c.—(CONCLUDED.)

#### COLLECTORS OF SCHOOL DISTRICTS.

It is the duty of the collector of each district "to collect and pay over to the trustees of his district, some or one of them, all moneys which he shall be required by warrant to collect, within the time limited by such warrant for its return, and to take the receipt of such trustee or trustees, for such payment." § 105, (No. 155.)

When required by the trustees, such collector is to execute a bond, with one or more sureties, to be approved by one or more of the trustees, in double the amount of any tax list, (or rate bill,) to be collected, and conditioned for the due and faithful performance of his duty. § 106, (No. 156.)

In case such bond is not executed within the time allowed by the trustees for that purpose, which shall not be less than ten days, the office of the collector is vacated, and the trustees may appoint any other person to supply the vacancy.

The form of the bond thus required to be executed, will be found at page 143.

#### 1. Jurisdiction of the Collector.

By § 28, of the act of 1841, (No. 132,) the jurisdiction of the collector, in the execution of his warrant, is unlimited; and extends to any other district or town, "in the same manner, and with the like authority, as in the district for which he was chosen or appointed."

#### 2. Mode of proceeding in the collection of Taxes and Rate Bills.

This is, specifically pointed out by the extracts from the 13th chapter of the 1st volume of the Revised Statutes, page 82.

#### 3. What property liable to be taken on Collector's Warrants.

In the case of Keeler and others vs. Chichester, 13 Wendell 639, the supreme court held "that any property found in the possession of the person liable to pay the tax, might be taken and applied to the payment of such tax, and that the collectors of school districts had the same powers as collectors of towns in collecting town and county taxes. This decision has reference to the ownership of the property, and shows that possession renders it liable to distress, whether owned by the party or not. It does not refer to the kind of property liable. The property which may be levied upon is specifically defined by § 2, of Chap. 13, 1 Revised Statutes. No property is exempt from the operation of such warrants, except the arms and accoutrements particularly mentioned in the act of Congress referred to, and quoted in the note at the bottom of page 82.

The designation of the owner of a farm in a tax list and warrant, as "the widow and heirs of A. B. deceased," is a sufficient compliance with the statute, to justify the collector in executing the warrant. Wheeler vs. Anthony, 10 Wendell 346.

By § 108, (No. 158,) the collector forfeits to his district, the full amount of any money which may be lost by his neglect, and which might have been collected by him, within the time limited in his warrant.

#### ANNUAL AND SPECIAL MEETINGS OF INHABITANTS OF SCHOOL DISTRICTS.

The inhabitants of the several school districts are required by law to meet annually, § 62, (No. 78;) and special meetings are authorized to be held, whenever called by the trustees, § 63, (No. 82.) The frequent opportunities thus afforded for the coming together of the inhabitants of each district, for deliberation and con-

sultation in relation to their schools, and the various interests connected therewith, are calculated to exert a most beneficial influence in favor of education; to promote union, harmony and concert of action in the several districts; and to cement the ties of friendly social intercourse between those having a common interest in the moral and intellectual culture of their children. It is, therefore, of the utmost importance that they should not be neglected; that the inhabitants should be prompt and uniform in their attendance; and that the proceedings should be invariably characterized with that order, regularity, dignity and decorum which can alone command respect, and advance efficiently the objects to be accomplished. To secure as far as possible the attainment of these desirable ends, it is proposed in this place to examine the powers and duties of the inhabitants, when assembled in district meeting, the mode of proceeding, the keeping of the minutes and records, the qualifications of voters, and some other subjects of general interest, connected with the proceedings of district meetings.

#### 1. Powers and Duties of Inhabitants when assembled in District Meeting.

These are particularly specified in § 61, (No. 74,) of the original act, and have been considerably extended by subsequent enactments, which will be noticed in their order. They are to appoint a moderator; to adjourn from time to time as occasion may require; to choose district officers at their first meeting, upon the organization of the district, and as often as vacancies occur, by expiration of the term of office, or otherwise; to designate a site for a district school house; to lay such tax on the taxable inhabitants of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, and to build, hire, or purchase such school house, and to keep in repair and furnish the same with necessary fuel and appendages; and to repeal, alter and modify their proceedings from time to time as occasion may require.

By the 10th section of the act of 1841, (No. 76,) the inhabitants are authorized, with the consent of the commissioners of common schools, to designate sites for two or more school houses for their district, and to lay a tax for the purchase or lease thereof, and for the purchase, hiring or building of school houses thereon, and the keeping in repair and furnishing the same with necessary fuel and appendages.

This provision authorizing more than one site and school house is intended for the accommodation of those districts that may be so peculiarly situated as to render a division inconvenient or not desirable. A banking or other corporation, or some manufacturing establishment liable to taxation, may thus be rendered beneficial to a large territory and a greater number of inhabitants, instead of having its contributions applied for the benefit of a few. And in populous places, it may often be convenient to have a school for very young children distant from that attended by those more advanced. In these and other cases, the districts should not hesitate to exercise the power given by this section. But they should in all cases obtain the previous assent of the commissioners.

The same section authorizes the inhabitants in their discretion and without the assent of the commissioners, to levy a tax not exceeding \$20 in any one year, for the purchase of maps, globes, black boards and other school apparatus. The principal facts in geography are learned better by the eye than in any other manner, and there ought to be in every school room a map of the World, of the United States, of this State and of the county. Globes also are desirable, but not so important as maps. Large black boards in frames, are indispensable to a well conducted school. The operations in arithmetic performed on them, enable the teach-

er to ascertain the degree of the pupils' acquirements, better than any result exhibited on slates. He sees the various steps taken by the scholar and can require him to give the reason for each. It is in fact an exercise for the entire class; and the whole school by this public process insensibly acquires a knowledge of the rules and operations in this branch of study.

Cards containing the letters of the alphabet or words may be usefully hung up in the room. Indeed the whole apparatus provided by Mr. Holbrook, is eminently calculated to facilitate the acquisition of knowledge and to render it agreeable.

The amount of the tax which may be voted for the purchase or lease of sites for the district school house, and for the repairs, furniture, fuel and appendages, is left wholly to the discretion of the district, and is unlimited by law: but no tax for building, hiring or purchasing a school house can exceed the sum of four hundred dollars, unless on the certificate of the commissioners that a larger sum, specifying the amount, ought, in their opinion, to be raised; in which case a sum not exceeding the sum so specified, may be raised, §44, (No. 83.) If the district under the act of 1841, raise a tax for building, hiring or purchasing two or more school houses, a tax for each may be levied, to the amount of \$400, without a certificate from the commissioners.

By the sixth section of chapter 241, of the laws of 1837, (No. 77,) the inhabitants of the several school districts are authorized to vote a tax for the purchase of a book for the purpose of recording the proceedings of the district; and which by sub. 1. of § 74, (No. 103,) must be provided to enable the clerk to perform his duty.

By the fourth section of chap. 44 of the laws of 1831, (No. 68,) the inhabitants are authorized, whenever the site of their school house has been legally changed, to direct the sale of the former site or lot, and the buildings thereon, and appurtenances, or any part thereof, at such price and upon such terms as they shall deem most advantageous to the district.

By the provisions of the several acts relative to school district libraries, (No. 175 et seq.) the inhabitants of the several districts are authorized to lay a tax, not exceeding twenty dollars for the first year, and ten dollars for each subsequent year, for the purchase of a district library, consisting of such books as they shall in their district meeting direct, and such further sum as they may deem necessary for the purchase of a book case; and also to appoint a librarian who is to have the care and custody of the library so purchased, under such regulations as they may adopt for his government.

These provisions, it will be observed, are entirely distinct from those which relate to the purchase of books with the public moneys provided by the act of 1838. They are confined to such books as are obtained by means of a district tax; and wherever the inhabitants do not choose to place the latter on the same footing with the former, the distinction should be carefully observed. The library directed to be purchased with the public money provided for that purpose, is to be selected by the trustees; the inhabitants have no direct control over such selection; and the rules and regulations for its government are to be prescribed by the Superintendent alone; while the library to be raised by tax must consist of such books as the inhabitants in district meeting shall direct; and the rules and regulations for its management may be adopted at such meeting. Still both classes of books may be placed upon substantially the same footing, by a general direction to the trustees as to the books to be purchased, and the adoption of the rules and regulations prescribed by the Superintendent.

Under the fifth section of the act of 1839, relative to district libraries, (No. 184,) the legal voters in any two or more adjoining districts, may, with the approbation of the Superintendent, unite their library moneys, as they shall be received or collected, and purchase a joint library for the use of the inhabitants of such districts, to be selected by the trustees, or such persons as they shall designate, and to be placed under the charge of a librarian to be appointed by them.

By the seventh section of the same act, (No. 186,) the legal voters in any district are authorized to direct the trustees to apply to the Superintendent to select and forward to the county clerk for the use of the district, a library.

The application of the library money to the purchase of suitable books, has been directed by the Legislature to be continued subject to this single modification, viz:

that "whenever the number of volumes in the district library of any district numbering over fifty children between the ages of five and sixteen years, shall exceed one hundred and twenty-five; or of any district numbering fifty children or less, between the said ages, shall exceed one hundred volumes, the inhabitants of the district qualified to vote therein, may, at a special meeting, duly notified for that purpose, by a majority of votes, appropriate the whole or any part of the library money belonging to the district for the current year, to the purchase of maps, globes, black-boards, or other scientific apparatus for the use of the school."

The object of this enactment is two-fold. It is designed in the first instance, to secure to every district, at least one hundred volumes of suitable books for a district library; and to districts numbering over fifty children, one hundred and twenty-five; and in the second, to authorize the inhabitants of any district so supplied, when duly convened for that special purpose, to appropriate so much of the library fund for the current year, as they may think proper, to the purchase of maps, globes, black-boards, or scientific apparatus, for the use of the school. In the absence of any such appropriation, or whenever any balance remains unappropriated, the library money, or such unappropriated balance, must be applied to the purchase of books; and in any event, the money must be expended for the one or the other of these purposes, on or before the first day of October in each year. It is respectfully recommended to the inhabitants of those districts which are already supplied with the requisite number of books, and of others, whenever they shall reach the specified number, to avail themselves of the power thus conferred upon them, to supply their school with those useful articles of scientific apparatus which so materially conduce to the improvement of the pupils. Independently of this appropriation, no district should dispense with a black-board; and if suitable maps, globes, and a few of the more simple means of illustrating the elementary truths of science, can be superadded, the library money for two or three years, cannot, perhaps, be more advantageously appropriated. In the mean time, the books on hand can be generally read; and such additions to the library as the growing wants and increased intelligence of the district may require, can then be from time to time procured. The advice of the town and county superintendent may at all times be had as to the most proper and judicious appropriation of the fund for the purposes provided for by the section under consideration.

By sub. 7 of § 75, (No. 103,) the power of inhabitants of districts to direct the division of the public (teacher's) money, into not exceeding four portions for each year, and to assign and apply one of such portions to each term taught during the year by a duly qualified teacher, is expressly recognized.

The powers thus conferred upon the inhabitants of school districts, must be strictly pursued, and can in no case be exceeded. No vote or proceeding of a district meeting can be legal, for which authority is not expressly or by necessary implication, to be derived from the statute.

## 2. Mode of Proceeding.

As a general rule, the punctual attendance of the inhabitants of the district should be secured by the organization of the meeting at the appointed hour, after making a fair allowance, say ten or fifteen minutes, for the variation of time pieces; at the expiration of which time, those in attendance, whatever may be their number, should organize, by the appointment of a moderator. Any number of inhabitants, however small, are competent to the transaction of the business for which the meeting was called; but if there be only a very small number present, it will be advisable to adjourn the meeting. The clerk of the district if present, will act as clerk of the meeting; and in case of his absence, any other inhabitant of the district may be designated by the meeting to act as clerk pro tem. The inhabitants will then proceed to the transaction of the business for which they were convened.

Where officers of the district are to be chosen, the choice should be by ballot, separately for each office; and this mode of proceeding should never be dispensed with where there is reason to believe any difference of opinion exists as to the proper persons to be chosen.—Where no such difference of opinion exists, it is still better to regard the choice by ballot as the regular mode, and when dispensed with in any individual case, it should be done by express resolution. All other business of the meeting should be transacted by written resolutions, regularly put to vote in the customary

manner; and where, for any reason, the result cannot be accurately ascertained, the numbers voting for or against any resolution should be determined by a count or by ayes and noes. For this purpose it would be well for the clerk to have always in readiness a list of the legal voters of the district, with a series of columns attached, to designate the manner in which each person votes on any question that may be submitted. When the site is to be changed in a district that has not been altered, the law specifically requires the vote to be taken by ayes and noes. Such lists may be in the following form:

Names of Voters.	On change of site of school house.	On motion to build school house.	On resolution to raise tax \$150.	On resolution to raise tax for apparatus.
	A. N.	A. N.	A. N.	A. N.
John Morehouse, . . .	—	—	—	—
Jacob Custis, . . .	—	—	—	—
Thomas Budd, . . .	—	—	—	—
William Carroll, . . .	—	—	—	—
Henry Beltis, . . .	—	—	—	—
Frederick Hough,	—	—	—	—
	4 2	4 2	3 3	4 2

### 3. Mode of keeping Minutes and Records of the Proceedings.

The person acting as clerk should keep accurate minutes of the proceedings on loose sheets of paper; and before the meeting is finally adjourned, these minutes should be read and approved by the meeting, and signed by the moderator and clerk, and afterwards transferred into the record book of the district. The following general form may be used for this purpose:

#### Form of Minutes to be kept by the District Clerk, of Proceedings of District Meetings.

At a meeting of the legal voters of school district number \_\_\_\_\_ in the town of \_\_\_\_\_ held pursuant to adjournment, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, [or if it be the annual meeting, say "at an annual meeting of, &c. held pursuant to appointment and public notice, at, &c."] Or if it be a special meeting, say, "at a special meeting of, &c. called by the trustees of said district, and held pursuant to special notice, at, &c. on the \_\_\_\_\_ day of, &c."] A. B. was chosen moderator, and C. D. was present as district clerk, (or if the clerk be not present, say E. F. was appointed clerk pro tem., the district clerk being absent.)

Resolved unanimously, (or by a majority of the votes present, as the case may be,) [here enter the proceedings of the district in the form of resolutions, and with as much precision and certainty as possible.]

Where the subject of a change of site in an unaltered district, has been under discussion, and a determination had by the district, in the manner prescribed by law, the proceedings should be particularly recorded, in the following form:

At a meeting of the legal voters of District No. \_\_\_\_\_ in the town of \_\_\_\_\_ held at the school house, in pursuance of notice to all the legal voters therein on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, A. B. was chosen moderator, and C. D. was present as district clerk, (or E. F. was appointed clerk pro tem., the district clerk being absent.) The written consent of the Town Superintendent of Common Schools of the town having been read, stating that in his opinion the removal of the site of the school house in said district is necessary: And it having been moved and seconded that the present site of the school house in the said district be changed and that the northeast corner of lot number 10, in the said town, (or of the farm now occupied by A. B. on the N. E. corner, formed by the intersection of two certain roads, &c. describing them,) be designated as the site of a school house for the said district, and the question taken by ayes and noes, it was carried, two-thirds of all those present at such special meeting voting for such removal, and in favor of such new site: Those who voted in the affirmative were John Morehouse, Thos. Budd, Wm. Carroll and Frederick Hough, &c.; those who voted in the negative, were Jacob Curtis and Henry Beltis, &c.

Ayes 4. Noes 2.  
[In stating the ayes and noes, the christian names of the voters should be given.]

[Or, and the question being taken by ayes and noes, it was lost, two-thirds of all those present at the meet-

ing not voting in favor thereof. The votes are then to be stated as before.]

After changing the site of the school house, in the manner before prescribed, the voters of the district, at the same or any subsequent meeting, may pass a resolution, by a majority of those present, in the ordinary mode, directing the trustees to sell the house, according to No. 88 ante

### 4. Qualification of Voters.

Great difficulty has been heretofore experienced in ascertaining the requisite legal qualifications for voters in school district meetings. The act of 1841 has removed this difficulty by defining them particularly, and has pointed out the means of ascertaining the right of any individual to vote in such meetings, by a challenge, § 7, 8, 9, (Nos. 71, 72, 73.)

The following general qualifications are required in all cases.

1. The voter must be a male.
2. Of full age, that is, twenty-one years old, or more.
3. He must be an actual resident of the district.

In addition to the above, the voter must possess one or other of the following qualifications:

4. He must be entitled by law to hold land in this State, and must own or hire real property in the district, subject to taxation for school purposes; or,
5. He must be authorized to vote at town meetings of the town in which the district or part of a district is situated—must have paid a rate bill for teachers' wages in the district within one year preceding, or must have paid a district tax within two years preceding, or must own personal property liable to be taxed for school purposes in the district exceeding fifty dollars in value, exclusive of what is exempt from execution.

Under the above 4th division are included two classes of persons—citizens owning or hiring real property, subject to taxation, and aliens not naturalized, who have filed the affidavit prescribed by § 16 of Title 1, Chap. 1, Part 2, Rev. Stat. of their intention to become citizens, and of having taken the necessary incipient measures for that purpose, and who own or hire real property in the district subject to taxation for school purposes. It does not extend to those who have personal property, but neither own nor hire real property. The provision was intended to meet the case of residents, who, although not entitled to vote at town meetings, may have a strong interest in the proceedings of district school meetings.

In reference to the above 5th division, those "citizens of the several towns in this State, qualified by the Constitution to vote for elective officers," are entitled to vote at meetings. (§ 1, Title 2, Chap. 11, Part 1, Rev. Stat.) Of course, persons claiming to vote at district meetings under this qualification must have been inhabitants of the State for one year, of the county for six months immediately preceding, and must then be actual residents of the town. To these must be added some one of the qualifications above specified in division 5. By § 8, (No. 73,) a challenge is allowed, and the declaration that may be required is given; and by § 9, (No. 73,) penalties for a false declaration and for voting without being qualified, are imposed.

### 5. Reconsideration of Proceedings.

The inhabitants of school districts may reconsider and repeal, alter and modify their proceedings at any time before they have been carried into effect, either wholly or in part. But the intention to do so, should be explicitly set forth in the notice of the meeting called for that purpose. When, however, contracts have actually been entered into, liabilities incurred, or expenditures of money had, in the prosecution of any measure directed by the district, a reconsideration will not be sanctioned, as no means exist to indemnify those who may be the losers thereby.

### 6. Taxes should be specifically voted.

Where a tax is voted by the inhabitants for any purpose, the specific amount of the tax, and the particular purpose for which it is designed, should be fully and clearly stated. And where several objects of expenditure are to be provided for, the amount to be raised for each should be expressed in the resolution, in order that the district and the trustees may know the precise extent of their liability, and the mode of its application. There may be cases, however, where the necessary amount to be raised, cannot be ascertained with any approach to accuracy; and in such cases the district may direct the performance of specific acts by the trustees, or authorize them to incur such expenses as may be necessary to the accomplishment of a particular object to be specified; and the trustees are then au-



thorized by § 14, of the act of 1841, (No. 137,) to raise such amount by tax upon the district in the same manner as if the definite sum to be raised had been voted. This general delegation of authority should, however, be resorted to only in cases of necessity.

#### 7. Designation of Site of School House.

When the site of a school house is to be fixed, it should be designated with distinctness and precision. It is very common in many of the districts to vote a site in general terms, as at or near a particular spot, between two points, or by other equally vague descriptions; and in some instances the precise location has been left to the discretion of the trustees, or of a committee appointed for that purpose. All this is directly contrary to law. The inhabitants in district meeting assembled, are "to designate a site for a district school house," and this designation must be sufficiently explicit, and must be described by metes and bounds, or other known and permanent landmarks, to enable the trustees to locate the site, and to contract for and receive a title to the same; and the best rule will be to make such a description as would be required in a deed of the premises.

#### 8. Change of Site.

By § 1, of chap. 44, of the laws of 1831, (No. 85,) it is provided that "whenever a school house shall have been built or purchased for a district, the site of such school house shall not be changed, nor the building thereon be removed, as long as the district shall remain unaltered, unless by the consent in writing of the town superintendents of common schools, or a majority of them, of the town or towns within which such district shall be situated, stating that in their opinion such removal is necessary; nor then, unless two-thirds of all those present, at a special meeting of such district called for that purpose, and qualified to vote therein, shall vote for such removal, and in favor of such new site."

This provision is designed to secure permanency in the location of the district school house, while the circumstances under which it was so located remain substantially the same. But when an alteration has taken place in the district, since such location, either by the addition of new inhabitants, and the consequent annexation of new territory, from the adjoining districts, or by the setting off of a portion of the inhabitants and territory to some other district, then, the reason for the enactment failing, a change of site may be voted by a majority of the altered district, in the usual manner. When the new site is again established, either in this manner, or by a two-third vote, as provided in the section above quoted, the same principle again prevails. No further alteration can be made while the district remains substantially in the same condition, as when the new site was fixed.

The alterations here referred to must be such as are made in the territorial boundaries of the district. Changes of residence by the inhabitants out of the district, or the removal of persons into it from other districts, cannot be deemed alterations within the meaning of the law, while the territory remains the same.

The experience of this department has shown that by far the most fertile sources of contention and difficulty in the various school districts, originate from the proceedings of the inhabitants connected with the change of the site of their school house. Such a measure should therefore, only be adopted when the convenience and accommodation of the inhabitants, will be essentially promoted thereby; when the altered situation of the district imperatively requires a change; and even then, the full and hearty concurrence not merely of a clear and decided majority of the district, but of the inhabitants generally should be secured, before any final decision is made. There must always be a portion of the inhabitants, residing at the extremities of the district who will experience more or less inconvenience, at particular seasons of the year, in consequence of their distance from the school house: but it is better that these partial inconveniences should be submitted to, than that they should be transferred to others and the whole district plunged into a contention respecting the site. But when, in consequence of the enlargement of the boundaries of the district, a change is indispensable, the inhabitants should come together in a conciliatory and friendly spirit, having no other object in view than the best interests of the district and the convenience of the greatest number: and their action should be deliberate and circumspect,—reconciling as far as possible the interests of all and rejecting every proposition calculated to sow the seeds of dissension, or dis-

turbance in any portion of the district:—bearing in mind that a mere numerical triumph, leaving a large minority dissatisfied and irritated, however gratifying to the successful party, for a time, is but a poor compensation for a divided and distracted district, and an embittered and hostile neighborhood.

#### 9. Building, Hiring, Purchasing and Repairing of School Houses, and providing Furniture and Appendages.

When a tax is voted by the inhabitants of a district for building a school house, it is important, not only that the specific amount to be raised should be stated, but if any portion of it is designed to be expended in the erection of other appurtenances, such as a wood house, necessary, or fence, that those purposes should be specifically set forth in the resolution. It would in all cases be desirable that a committee of the inhabitants consisting of or including the trustees who are charged by law with the execution of the work, should be appointed to digest and under the advice of the county superintendent mature a full plan for the building, appendages, and appurtenances, together with a detailed estimate of the expense, and to submit the same at an adjourned meeting for the sanction and approval of the district. From this proceeding many useful results would follow. The trustees would be placed in possession of all the information necessary to enable them efficiently and systematically to discharge their duties in contracting for and superintending the erection of the house; an opportunity would be afforded of obtaining and comparing the best models of architecture, and the inhabitants would be enabled to discuss at their leisure the several plans submitted and to consult their convenience, taste and accommodation, in the several details.

The school house, when built or purchased, should never be permitted to remain for any length of time out of repair. It is the duty of the trustees to keep it in repair, and the district should whenever called upon, provide for the expense. They should also see that the school rooms are properly furnished with fuel, prepared for use; that all the necessary articles of furniture are provided; that the seats, desks and other fixtures are in good condition, and that the district library, the apparatus for the school and all the other property of the district is properly taken care of, and such articles as are wanted, promptly furnished. In other words, the district should exercise a constant supervision over its officers, and provide the means for an efficient discharge of their duties.

When it is supposed that more than four hundred dollars will be necessary to build, hire, or purchase a school house, care should be taken to procure the certificate of the town superintendent, before the tax is voted by the district, as such certificate seems by the act and has been held by this department to be indispensable to authorize the vote. If there be a site and house, they should be sold, and the proceeds applied first to the purchase of the new site and next to the building. And whatever sum is applicable to the erection or purchase of the school house, must according to a decision of this department go in reduction of the amount which the district may vote for a school house. (Decisions, p. 183.) Thus, if the former site and building sell for 200 dollars, and 80 dollars be applied to the procuring a new site, the remaining 120 dollars being applicable to the new house, the district cannot vote a tax of more than 250 dollars for the building, without the consent of the commissioners.

The following will be a proper form of a resolution for raising a tax for the erection of a school house.

The certificate of the town superintendent of common schools of the town of \_\_\_\_\_ having been obtained, that in his opinion a larger sum than four hundred dollars ought to be raised for building a school house in the said district, namely the sum of six hundred dollars, [or whatever the whole sum may be.]

Resolved, That the said sum of six hundred dollars be raised by tax upon the said district for the purpose of building a school house therein.

The resolution for the purchase of a site should be distinct and may be in the following form:

Resolved, That the sum of fifty dollars be raised by tax upon the said district for the purchase of the site for a new school house, heretofore designated by the legal voters thereof.

Either or both the above taxes may be raised, but can not be expended before a site is purchased and a legal title procured.

Whenever there is a deficiency in the amount of any

tax directed to be raised, the inhabitants of the district are directed by § 30 of the act of 1841, (No. 106) to raise the necessary sum by a new tax.

#### DISTRICT LIBRARIES.

By chap. 80 of the laws of 1833, (Nos. 175, 176,) the inhabitants of the several school districts were authorized, when lawfully assembled at any district meeting specially notified for that purpose, to impose a tax not exceeding twenty dollars for the first year, and ten dollars in any subsequent year, "for the purchase of a district library consisting of such books as they shall in their district meeting direct, and such further sum as they may deem necessary for the purchase of a book case." By the 2d section of that act, (No. 177,) the district clerk, or such other person as the inhabitants should designate and appoint by a majority of votes, was declared to be librarian, and to be vested with the care and custody of the library, under such regulations as the inhabitants should adopt.

These provisions are still in force; and they afford the only authority for raising by tax upon the district, any money for the purchase of books, or a book case. The books thus to be purchased must be directed by the inhabitants in district meeting; and this direction may be either general, as to purchase any given series or numbers of the Harper Library, the Family Library, &c. or special, designating the particular books, or the trustees may be authorized to procure such books as they think proper.

By the 4th section of chap. 237, of the laws of 1839, (No. 179,) the sum of \$55,000 from the annual revenue of the U. S. Deposit Fund, was required to be annually distributed "to the support of common schools in like manner and upon the like conditions as the school moneys now are or shall hereafter be distributed, except that the trustees of the several districts shall appropriate the sum received to the purchase of a district library for the term of three years, (afterwards by § 6 of chap. 177, laws of 1839, (No. 185,) extended to five years,) and after that time for a library, or for the payment of teachers' wages, in the discretion of the inhabitants of the districts."

Trustees, are by this provision, authorized to make the selection of the books for the library, as the application of the money is to be made by them. To promote uniformity in the loan and return of books, it is recommended that but one librarian be appointed; and that the inhabitants adopt the rules and regulations hereinafter prescribed by the Superintendent, for the government of the libraries procured under both acts.

Inhabitants of districts have no authority to sell, exchange, or in any manner dispose of the books constituting the district library; whether such books are purchased from the library fund, or from the funds raised by the district.

By the 3d section of the act of 1830, respecting school district libraries, (No. 102,) the Superintendent of Common Schools, was directed to prepare general regulations for the preservation of the libraries, the delivering of them by librarians and trustees to their successors in office, and respecting the use of the books, &c. In pursuance of these provisions, the subjoined regulations have been prepared. No. I. relates to the preservation of the libraries, the delivery of the books by the officers charged with their keeping, to their successors, and to their duties in respect to them. No. II. relates to the use of the books by the inhabitants, the number to be taken out, the fines to be imposed, &c.

As these regulations may appear minute to some, it is proper to remark, that they were intended for the organization of a new and entire system, upon a subject not well understood, and in which directions cannot be too full or too plain. Thousands upon thousands of our citizens are and will be charged with the duties to which these regulations refer; and it is by no means a depreciation of their intelligence to remark, that very many of them have probably never had any connexion with circulating libraries, and are not aware of the absolute necessity of strict rules, and a firm adherence to them, to prevent the total destruction of their books in a few years. Complaints had already been made that in several districts, which had procured libraries, many of the books were injured, and others, lost, for the want of some system in their management. It cannot be too strongly impressed upon trustees and librarians, that the best system which human ingenuity can devise, will be of no avail unless it is fully and thoroughly executed. These invaluable store houses of knowledge,—the solace of age, the guide of youth, the stay of manhood, the source of so much happiness to parents

and their children,—will depend for their existence upon the vigilance of those who have accepted the sacred trust of watching and preserving them. Heavy, indeed, will be the responsibility for a neglect of those duties upon which so much depends.

#### DISTRICT LIBRARY REGULATIONS, No. I.

*Regulations respecting District Libraries, their preservation, and the delivery of them by Librarians and Trustees to their successors in office; and instructions for the execution of "An act respecting School District Libraries," passed April 16, 1839, pursuant to the third and seventh sections of the said act: intended for the government of the officers having charge of such Libraries.*

I. In respect to the selection of books for district libraries. The Superintendent has no authority to make such selections, unless requested by the trustees of a district pursuant to a vote of its inhabitants. He is prepared to act on the subject as prescribed by the statute, whenever requested; but he desires it to be distinctly understood that he does not proffer his services; much preferring that the inhabitants of a district should consult their own tastes and judgment. At the same time, he is bound to see the law faithfully executed; and as jurisdiction upon appeal from the proceedings of district meetings and trustees, as well in relation to the selection of a library as to all other matters connected with it, is given to him by law, it is proper that the principles which will govern decisions on such appeals should be known.

The object of the law for procuring district libraries is, to diffuse information, not only, or even chiefly, among children or minors, but among adults and those who have finished their common school education. The books, therefore, should be such as will be useful for circulation among the inhabitants generally. They should not be children's books, or of a juvenile character, or light and frivolous tales and romances; but works conveying solid information which will excite a thirst for knowledge, and also gratify it, as far as such a library can. Works imbued with party politics and those of a sectarian character, or of hostility to the christian religion, should on no account be admitted; and if any are accidentally received, they should be immediately removed. Still less can any district be permitted to purchase school books, such as spelling books, grammars or any others of the description used as text books in schools. Such an application of the public money would be an utter violation of the law. If any case of improper selection of books should come before the Superintendent, by appeal from any inhabitant, such selection would be set aside; and if it appeared from the reports, which according to these regulations must be made, that such books had been purchased, the commissioners will be bound to withhold the next year's library money from such district. These penalties and provisions will be rigidly enforced; for upon a faithful administration of the law, the usefulness and the continuance of the system will depend. If the public munificence be abused, it will unquestionably cease.

The Superintendent feels it to be his duty, although an unpleasant one, to caution districts against collections of frivolous works, some of which are already advertised as district libraries. The advice of persons familiar with the best works in our language should be taken in making purchases; and it is recommended that utility be consulted in the choice of books rather than novelty. Works already known, and whose worth has been approved by the judgment of the public, should be preferred to new productions, which have not attained a character. Economy, also, should be maintained in buying libraries, that the utmost benefit may be derived from the library fund. Those publishers who print large editions and make calculations for forming complete libraries, can, and do afford their books much cheaper than others. With such opportunities for procuring the very best books at a cheap rate, it would be lamentable if more money should be paid for them than they can be procured for with a little effort, and it would be humiliating and discouraging, if books of worthless or improper character should be offered to those who hunger for knowledge.

II. The library is in charge of the librarian chosen at the annual meeting of the district; for he cannot be chosen at a special meeting. If none is elected, the clerk of the district becomes librarian. Where by the laws regulating schools in cities or particular places, no trustees are chosen by the inhabitants, the district clerk, if there be one, is librarian. If there be

no district clerk, the trustees of the district may appoint the librarian.

Trustees of school districts, are by virtue of their office, trustees of the library, and have the general charge and superintendence of it. The librarian is subject to their directions in all matters relating to the preservation of the books and appurtenances of the library, and he may be removed by them for the causes and under the circumstances mentioned in the first section of the "Act respecting school district libraries." (No. 180.)

Whenever the trustees go out of office they are to deliver to their successors all the books in the district library, with the case and all other appurtenances, and such delivery should be had within ten days at least after their successors are chosen; and the librarian is at the same time to deliver to his successor all the minutes, catalogues, papers and property, appertaining to the library.

III When any library is purchased and taken charge of by the librarian, he is to make out a full and complete catalogue of all the books contained therein. At the foot of each catalogue the librarian is to sign a receipt in the following form:

I, A. B. do hereby acknowledge that the books specified in the preceding catalogue have been delivered to me by the Trustees of School District No. in the town of to be safely kept by me as Librarian of the said District for the use of the inhabitants thereof, according to the regulations prescribed by the Superintendent of Common Schools, and to be accounted for by me according to the said regulations to the Trustees of the said District, and to be delivered to my successor in office. Dated, &c.

A correct copy of the catalogue and receipt is then to be made, to which the trustees are to add a certificate in the following form:

We the Subscribers, Trustees of School District No. in the town of do certify that the preceding is a full and complete catalogue of books in the Library of the said District now in possession of A. B. the Librarian thereof, and of his receipt thereon. Given under our hands this day of 18.

The catalogue having the librarian's receipt, is to be delivered to the trustees, and a copy having the certificate of the trustees, is to be delivered to the librarian for his indemnity.

Whenever books are added to the library, a catalogue with a similar receipt by the librarian is to be delivered to the trustees, and a copy with a certificate of the trustees that it is a copy of the catalogue delivered them by the librarian, is to be furnished to him. Every catalogue received by the trustees is to be kept by them carefully among the papers of the district and to be delivered to their successors in office.

IV. During the week preceding the annual meeting all the books shall be called in. For this purpose the librarian is to refuse to deliver out any books for fourteen days preceding the time so prescribed for collecting them together. The trustees must make a careful examination of the books, compare them with the catalogue, and make written statements in a column opposite the name of each book of its actual condition, whether lost or present, and whether in good order or injured, and if injured, specifying in general terms, the extent of such injury. This catalogue, with the remarks, is to be kept by them; a copy of it is to be made out, and delivered to the new librarian with the library, by whom a receipt in the form above prescribed is to be given, and to be delivered to the trustees. Another copy certified by them as before mentioned, is to be delivered to the librarian.

V. Trustees are to attend to the library for the purpose of comparing the catalogue with the books. They are at all times when they think proper, and especially on their coming into office, to examine the books carefully, and note such as are missing or injured. For every book that is missing the librarian is accountable to the trustees for the full value thereof, and for the whole series of which it formed a part: such value to be determined by the trustees. He is accountable also for any injury which a book may appear to have sustained, by being soiled, defaced, torn, or otherwise. And he can be relieved from such accountability only by the trustees, on its being satisfactorily shewn to them that some inhabitant of the district has been charged or is chargeable for the value of the book so missing, or for the amount of the injury so done to any work. It is the duty of the trustees to take prompt and efficient measures for the collection of the amount for which any librarian is accountable; such amount when

collected is to be applied as directed in Article XII. of regulations No. II. with respect to fines.

VI. It is the duty of the trustees to provide a plain and sufficient case for the library, with a good lock, if the district shall have neglected to do so. They are also to cause the books and case to be repaired as soon as may be, when injured; they are also to provide sufficient wrapping paper to cover their books, and the necessary writing paper to enable the librarian to keep minutes of the delivery and return of books. These are proper expenses for the preservation and repair of the books, and are to be defrayed by a tax on the district, which is to be added by any tax voted by a district meeting. It is not necessary that the tax to defray these expenses should be voted by the inhabitants of the district; it is to be assessed and collected in the same manner as a tax for building or repairing a school house, or to furnish it with necessary fuel and appendages.

VII. The librarian must cause to be pasted in each book belonging to the library, a printed label, or must write in the first blank leaf of each book, specifying that the book belongs to the library of school district No.

in the town of, naming the town and giving the number of the district; and he is on no account to deliver out any book which has not such printed or written declaration in it. He is also to cause all the books to be covered with strong wrapping paper, on the back of which is to be written the title of the book, and its number in large figures. As new books are added, the numbers are to be continued, and they are in no case to be altered; so that if a book be lost, its number and title must still be continued on the catalogue, with a note that it is missing.

VIII. The librarian must keep a blank book, that may be made by stitching together half a dozen or more sheets of writing paper. Let these be ruled across the width of the paper so as to leave five columns of the proper size for the following entries, to be written lengthwise of the paper: in the first column, the date of the delivery of any book to any inhabitant; in the second, the title of the book delivered, and its number; in the third, the name of the person to whom delivered; in the fourth, the date of its return; and in the fifth, remarks, respecting its condition, in the following form:

Time of delivery.	Title and No. of Book.	To whom.	When returned.	Condition.
1839, June 10.	History of Virginia, 43.	T. Jones.	June 20.	Good.

The proper width of each column can be ascertained by writing the different entries on a half sheet of paper and seeing how much room they respectively occupy.

As it will be impossible for the librarian to keep any trace of the books without such minutes, his own interest to screen himself from responsibility, as well as his duty to the public, will, it is to be hoped, induce him to be exact in making his entries at the time any book is delivered; and when it is returned, to be equally exact in noticing its condition, and making the proper minute.

IX. A fair copy of the catalogue should be kept by the librarian, to be exhibited to those who desire to select a book; and if there be room, it should be fastened on the door of the case.

X. The several trustees of school districts are hereby required, in their annual reports to the town superintendent of common schools, to state the number of books belonging to their district library on the last day of December in each year.

XI. The trustees of each school district shall, at the time of their making their annual reports, deliver to the town superintendent of common schools of their town, a catalogue containing the titles of all the books in the district library, with the number of volumes of each set or series, and the condition of such books, whether sound, or injured, or defaced. This catalogue must be signed by them and by the librarian.

XII. The town superintendent of common schools in each town is required carefully to preserve such catalogues, and deliver them, with the papers of their office, to his successor, who is also required to preserve the catalogues delivered to him, and hand them over to his successor.

XIII. Town superintendents of common schools cannot pay over any library money to the trustees of a district in the following cases:

1st. If a catalogue, as required by article XI, has not been delivered to them.



2d. If the number of books belonging to its library is not stated in the annual report of the trustees.

3d. If it does not clearly appear from such report that the whole of the library money paid to such district the preceding year, have been expended according to law. No part of the library money can be applied to the purchase of a case for the books. These are "the like conditions" referred to in the act authorizing the apportionment of public money to district libraries.

4th. Wherever it appears that any district has expended any portion of its library money in the purchase of any text book used in schools, such as spelling-books, arithmetics, or grammars, or any book clearly improper to be admitted into a district library.

XIV. Whenever town superintendents of common school withhold from any district its library money, they are not to distribute the money among the other districts, but are to report the case and the circumstances to the Superintendent, in order to enable him to exercise the discretion given by the sixth section of the "Act respecting school district libraries." (No. 185.)

XV. Whenever in these regulations any act or duty is directed or authorized to be performed by trustees of libraries, the same may be performed by a majority of the trustees at a meeting of the whole number; and when any meeting of the trustees shall have been notified, by notice given by any one trustee to the others, a majority of the whole are competent to the transaction of any business, in the same manner as if all were present. But a majority cannot act unless notice has been given to all to attend at the time and place of meeting.

XVI. Whenever the legal voters of two or more districts desire to unite their library moneys and funds, and purchase a joint library, under the provisions of the 6th section of the act hereto annexed, (No. 184.) a special meeting should be called in each district for the purpose, under a notice specifying the object. The trustees will then transmit to the Superintendent certified copies of the votes, and a statement of the number voting for and against them. They will also furnish statements of the number of inhabitants, the valuations of their property, the amount of library money received in each district, the amount each has voted to raise by tax on the district, and a general description or map of the districts, so as to shew their contiguity; and in all cases where the convenience of the inhabitants will be promoted and the great object of the libraries will be advanced by such a union, the Superintendent will cheerfully give his approbation to its being formed.

XVII. Where such a union is formed, the preceding regulations will be deemed to apply to the joint library, subject only to the variations prescribed in the before mentioned fifth section, and such as arise from the nature of the union. A majority of the whole number of trustees of all the districts considered as one body, will be competent to the transaction of business, and to decide all questions which may properly come before them.

It is proper to remark that by section 6 of the act relative to common schools, passed May 3, 1839, (No. 166,) a penalty of ten dollars is incurred by every town superintendent of common schools and by every trustee of a school district for refusing or wilfully neglecting to perform any duty required by law or by any regulation of the Superintendent of Common Schools, under the authority of the statute; and they are also liable to their towns and districts for the amount of any loss that may be sustained by reason of such neglect or refusal.

#### DISTRICT LIBRARY REGULATIONS, NO. II.

*Regulations concerning the use of the Books in District Libraries prescribed by the Superintendent of Common Schools pursuant to the third section of the "Act respecting School District Libraries," passed April 16th, 1839.*

I. The librarian has charge of the books and is responsible for their preservation and delivery to his successor.

II. A copy of the catalogue required to be made out by Articles III. and IV. of Regulations No. I. is to be kept by the librarian, open to the inspection of the inhabitants of the district at all reasonable times. It will be found convenient to affix a copy of it on the door of the bookcase containing the library.

III. Books are to be delivered as follows:

1st. Only to inhabitants of the district.

2d. One only can be delivered to an inhabitant at a time; and any one having a book out of the library must return it before he can receive another.

3d. No person upon whom a fine has been imposed by the trustees under these regulations, can receive a book while such fine remains unpaid.

4th. A person under age cannot be permitted to take out a book unless he resides with some responsible inhabitant of the district; nor can he then receive a book if notice has been given by his parent or guardian or the person with whom he resides, that they will not be responsible for books delivered such minor.

5th. Each individual residing in the district, of sufficient age to read the books belonging to the library, is to be regarded as an inhabitant, and is entitled to all the benefits and privileges conferred by the regulations relative to district libraries. Minors will draw in their own names, but on the responsibility of their parents or guardians.

6th. Where there is a sufficient number of volumes in the library to accommodate all residents of the district who wish to borrow, the librarian should permit each member of a family to take books as often as desired, so long as the regulations are punctually and fully observed. But where there are not books enough to supply all the borrowers, the librarian should endeavor to accommodate as many as possible, by furnishing each family in proportion to the number of its readers or borrowers.

IV. Every book must be returned to the library within twenty days after it shall have been taken out, but the same inhabitant may again take it, unless application has been made for it, while it was so out of the library, by any person entitled, who has not previously borrowed the same book, in which case such applicant shall have a preference in the use of it. And where there have been several such applicants, the preference shall be according to the priority in time of their applications, to be determined by the librarian. Upon application to the Superintendent, the time for keeping books out of the library will be extended to a period not exceeding twenty-eight days, where sufficient reasons for such extension are shown.

V. If a book be not returned at the proper time, the librarian is to report the fact to the trustees; and he must also exhibit to them every book which has been returned injured by soiling, defacing, tearing, or in any other way, before such book shall be again loaned out, together with the name of the inhabitant in whose possession it was when so injured.

VI. The trustees of school districts being by virtue of their office trustees of the library, are hereby authorized to impose the following fines:

1st. For each day's detention of a book beyond the time allowed by these regulations, six cents, but not to be imposed for more than ten days' detention.

2d. For the destruction or loss of a book, a fine equal to the full value of the book, or of the set, if it be one of a series, with the addition to such value of ten cents for each volume. And on the payment of such fine, the party fined shall be entitled to the residue of the series. If he has also been fined for detaining such book, then the said ten cents shall not be added to the value.

3d. For any injury which a book may sustain after it shall be taken out by a borrower and before its return, a fine may be imposed of six cents for every spot of grease or oil upon the cover or upon any leaf of the volume; for writing in or defacing any book, not less than ten cents, nor more than the value of the book; for cutting or tearing the cover, or the binding, or any leaf, not less than ten cents, nor more than the value of the book.

4th. If a leaf be torn out, or so defaced or mutilated that it cannot be read, or if any thing be written in the volume, or any other injury done to it, which renders it unfit for general circulation, the trustees will consider it a destruction of the book, and shall impose a fine accordingly, as above provided in case of loss of a book.

5th. When a book shall have been detained seven days beyond the 30 days allowed by these regulations, the librarian shall give notice to the borrower to return the same within three days. If not returned at that time, the trustees may consider the book lost or destroyed, and may impose a fine for its destruction in addition to the fines for its detention.

VII. But the imposition of a fine for the loss or destruction of a book, shall not prevent the trustees from recovering such book in an action of replevin, unless such fine shall have been paid.

VIII. When in the opinion of the librarian any fine has been incurred by any person under these regulations, he may refuse to deliver any book to the party liable to such fine, until the decision of the trustees upon such liability, be had.

IX. Previous to the imposition of any fine, two days' written or verbal notice is to be given by any trustee, or

the librarian, or any other person authorized by either of them, to the person charged, to show cause why he should not be fined for the alleged offence or neglect; and if within that time good cause be not shown, the trustees shall impose the fine herein prescribed. No other excuse for an extraordinary injury to a book, that is for such an injury as would not be occasioned by its ordinary use should be received, but the fact that the book was as much injured when it was taken out by the person charged, as it was when he returned it. As such loss must fall on some one, it is more just that it should be borne by the party whose duty it was to take care of the volume, than by the district. Negligence can only be prevented, and disputes can only be avoided by the adoption of this rule. Subject to these general principles, the imposition of all, or any of these fines, is discretionary with the trustees, and they should ordinarily be imposed only for wilful or culpably negligent injuries to books, or where the district actually sustains a loss, or serious injury. Reasonable excuses for the detention of the books beyond the twenty days, should in all cases be received.

X. It is the special duty of the librarian to give notice to the borrower of a book that shall be returned injured, to show cause why he should not be fined. Such notice may be given to the agent of the borrower who returns the book; and it should always be given at the time the book is returned.

XI. The librarian is to inform the trustees of every notice given by him to show cause against the imposition of a fine; and they shall assemble at the time and place appointed by him, or by any notice given by them, or any one of them; and shall hear the charge and defence. They are to keep a book of minutes, in which every fine imposed by them, and the cause, shall be entered and signed by them, or the major part of them. Such original minutes, or a copy certified by them, or the major part of them, or by the clerk of the district, shall be conclusive evidence of the fact that a fine was imposed as stated in such minutes, according to these regulations.

XII. It shall be the duty of trustees to prosecute promptly for the collection of all fines imposed by them. Fines collected for the detention of books, or for injuries to them, are to be applied to defray the expense of repairing the books in the library. Fines collected for the loss or destruction of any book, or of a set or series of books, shall be applied to the purchase of the same or other suitable books.

XIII. These regulations being declared by law "obligatory upon all persons and officers having charge of such libraries, or using or possessing any of the books thereof," it is expedient that they should be made known to every borrower of a book. And for that purpose a printed copy is to be affixed conspicuously on the case containing any library, or in one of such cases, if there be several; and the librarian is to call the attention to them of every person on the first occasion of his taking out a book.

### Appeals to the County Superintendents.

(The cases in which the courts will not entertain jurisdiction of complaints of erroneous proceedings under the school laws, and in which only a certiorari will lie, may be inferred from the decision of the Sup. Court in the case of Eaton and others, *vs.* Calendar, 11 Wend. 90. "The plaintiff below was not without his remedy. 1 R. S. 487, § 110, 111 and the amendment of the law, 20th April, 1830, provides that "any person conceiving himself aggrieved in consequence of any decision made by the Trustees of any district in paying any teacher, or concerning any other matter under the present title," (which includes the whole of the school act,) "may appeal to the Superintendent of Common Schools whose decision shall be final." This provision was intended for what it practically is, a cheap and expeditious mode of settling most, if not all, of the difficulties and disputes arising in the course of the execution of the law. A common law certiorari would no doubt lie from this court, to the trustees to bring up and correct any erroneous proceeding not concluded by an adjudication of the Superintendent, or in a case where his powers were inadequate to give the relief to which the party was entitled.)

The passage of several acts of the Legislature renders necessary a revision of the regulations concerning appeals: And the following are therefore substituted for those heretofore established:

Any inhabitant of a School District conceiving himself aggrieved, in consequence of any proceeding or decision of any School District meeting, or of the town

Superintendent, either separately or in conjunction with the Supervisor and Town Clerk, relative to the formation or alteration of any School District, or of the Trustees or Librarian, in the discharge of any of the duties devolving upon them, or concerning any other matter arising under the school law of whatever description, is now required to bring his appeal, in the manner and within the time now prescribed by the regulations of the department, to the County Superintendent, whose decision thereon is final, unless appealed from to this department within fifteen days after service of a copy thereof.

### CASES IN WHICH APPEALS MAY BE MADE,

Under the 110th Section of the Common School Act. (No. 160.)

I. Where any decision has been made by any School District meeting.

This includes the whole class of cases, in which district meetings have the power to decide on any proposition or motion that may legally be made to them, under any section of the School Act.

II. Where any decision has been made by the Town Superintendent of Common Schools, or by him and the Supervisor and Town Clerk, in the forming or altering, or in refusing to form or alter any School District, or in refusing to pay any school moneys to any district, and under the general provision, "concerning any other matter under the present title," appeals will also lie from the proceedings of such Town Superintendent in any erroneous distribution of public money, in paying it to any district not entitled, or more than it is authorized to receive; and in fact from any official decision, act, or proceeding, and from a refusal to discharge any duty imposed by law, or the regulations of the Superintendent, or incident to the duties of his office.

III. Where any decision has been made by Trustees of school districts in paying any teacher, or refusing to pay him, or in refusing to admit any scholar gratuitously into the school: And under the same general provision referred to, in improperly admitting any scholar gratuitously, in making out any tax list, or rate bill, or in any act or proceeding whatever, which they undertake to perform officially; and also for a refusal to discharge any duty enjoined by law, or any regulation of the Superintendent, or incident to the duties of their office.

IV. Where Town Superintendents have improperly granted or annulled a certificate or qualification to a teacher, or have refused to grant or annul such certificate; and where they have undertaken to perform any official act, or refused to discharge any duty imposed by law or under its authority, in the inspection of teachers and visitation of schools.

V. Where Clerks of Districts, Clerks of towns, or other ministerial officers, refuse to perform any duty enjoined by the Common School Act.

VI. Where any other matter under the said act, shall be presented, either in consequence of disputes between districts respecting their boundaries, or any other subject; or in consequence of disputes between any officers charged with the execution of any duties under the laws concerning Common Schools, or disputes between them and any other person relating to such duties or any of them.

Under the 4th Section of the "Act respecting School District Libraries." (No. 183.)

VII. Appeals may be made from any act or decision of trustees or school districts concerning the Libraries, or the books therein, or the use of such books.

VIII. Any act or decision of the Librarian in respect to the library.

IX. Any act or decision of any district meeting in relation to their library school.

X. Appeals also lie from the acts of Town Superintendents of Common Schools in withholding or paying over library money to any district.

Under the 40th Section of the Act of 1841, relating to Common Schools. (No. 161.)

XI. All proceedings under any authority conferred by this act upon any of the officers connected with the Common Schools, and all omissions and refusals to perform any duty enjoined by said act, is subject to appeal in the same manner and with the like effect as in cases arising under the 110th section above referred to.

### BY WHOM APPEALS ARE TO BE MADE.

XII. The person aggrieved by the act complained of, only, can appeal. Generally, every inhabitant of a district is aggrieved by the wrongful act or omission of a Trustee or Town Superintendent, by which money or



property is disposed of, or not secured for the benefit of the district. But no one is aggrieved by another being included in a tax list or rate bill, although other inhabitants are by the omission of one who should be taxed; and appeals may be made by trustees, in behalf of their districts, whenever they are aggrieved.

#### FORM AND MANNER OF PROCEEDING.

XIII. An appeal must be in writing and signed by the appellant. When made by the trustees of a district, it must be signed by all the trustees, or a reason must be given for the omission of any, verified by the oath of the appellant, or of some person acquainted with such reason.

XIV. A copy of the appeal, duly verified, and of all the statements, maps and papers intended to be presented in support of it, must be served on the officers whose act or decision is complained of, or some one of them; or if it be from the decision or proceedings of a district meeting, upon the district clerk or one of the trustees, whose duty it is to cause information of such appeal to be given to the inhabitants who voted for the decision or proceeding appealed from.

XV. Such service must be made within thirty days after the making of the decision, or the performance of the act complained of: or within that time, after the knowledge of the cause of complaint came to the appellant, or some satisfactory excuse must be rendered for the delay.

XVI. The party on whom the appeal was served, must within ten days from the time of such service, answer the same, either by concurring in a statement of facts with the appellant, or by a separate answer. Such statement and answer must be signed by all the Trustees, or other officers, whose act, omission, or decision is appealed from, or a good reason on oath must be given for the omission of the signature of any of them: verified by oath, and a copy of such answer must be served on the appellants or some one of them.

XVII. So far as the parties concur in a statement no oath will be required to it. But all facts, maps or papers, not agreed upon by them and evidenced by their signature on both sides, must be verified by oath.

XVIII. All oaths required by these regulations must be taken before a Judge of a Court of Record, a Commissioner of Deeds, or a Justice of the Peace.

XIX. A copy of the answer, and of all the statements, maps and papers intended to be presented in support of it, must be served upon the appellants or some one of them, within ten days after service of a copy of the appeal, unless further time be given by the County Superintendent, on application, in special cases; but no replication or rejoinder shall be allowed, except by permission of the County Superintendent, and in reference exclusively to matters arising upon the answer, and which may be deemed by such County Superintendent pertinent to the issue: in which case such replication and rejoinder shall be duly verified by oath and copies thereof served on the opposite party.

XX. Proof or admission of the service of copies of the appeal, answer and all other papers intended to be used on the hearing of such appeal must, in all cases, accompany the same.

XXI. When any proceeding of a District Meeting is appealed from; and when the inhabitants of a District generally are interested in the matter of the appeal; and in all cases where an inhabitant might be an appellant, had the decision or proceeding been the opposite of that which was made or had; any one or more of such inhabitants may answer the appeal, with or without the Trustees.

XXII. Where the appeal has relation to the alteration or formation of a School District, it must be accompanied by a map, exhibiting the site of the school house, the roads, the old and new lines of Districts, the different lots, the particular location and distance from the school houses, of the persons aggrieved; and their relative distance if there are two or more school houses in question. Also, a list of all the taxable inhabitants in the District or territory to be affected by the question: the valuation of their property taken from the last assessment roll, and the number of children between five and sixteen belonging to each person, distinguishing the Districts to which they respectively belong.

XXIII. When the copy of the appeal is served, all proceedings upon or in continuation of the act complained of, or consequent in any way upon such act, must be suspended, until the case is decided. So where any decision concerning the distribution of public money to one or more Districts is appealed from, the Town Superintendent must retain the money which is in dispute until the appeal is decided. And where Trustees have

money in their hands claimed to belong to any person, or any other District, after the copy of an appeal is served on them in relation to such claim, they must retain such moneys to abide the result, and must not expend them so as to defeat the object of the appeal.

XXIV. Whenever a decision is made by the County Superintendent, and communicated to the Town Superintendent of Common Schools, respecting the formation, division or alteration of Districts, he must cause the decision to be recorded in the office of the Town Clerk. All other decisions communicated to him, or to the Trustees of Districts, are to be kept among the official papers of the Clerk of the Town or District and handed over to his successors; and the district Clerks are required to record all such as come to their hands in the District book kept by them.

#### APPEALS TO THE STATE SUPERINTENDENT.

XXV. The following regulations respecting the mode of bringing an appeal from the decision of the County Superintendent are hereby prescribed in pursuance of the authority conferred by the seventh section of the late act.

Whenever any party to an appeal shall be desirous of appealing to the Superintendent of Common Schools from the decision of any County Superintendent, such party shall, within fifteen days after service of a copy of such decision, serve a written notice upon such County Superintendent either personally or by leaving the same at his residence, of his or their intention to appeal from such decision. Such County Superintendent shall, within ten days thereafter, transmit to the Superintendent of Common Schools, a statement setting forth all the allegations and proofs of the respective parties before him, or the originals or certified copies of such papers as were presented on such appeal, together with a copy of his decision thereon, for which he shall be entitled to receive the sum of one dollar, to be paid by the party appealing on service of notice of his intention to bring said appeal. The respective County Superintendents shall annually render a correct account of the money so received by them, verified by their oath, to the boards of supervisors of their counties: who, in their discretion may deduct the said amount from the postage account of such Superintendent. The final decision of the Superintendent in the premises shall be communicated by the County Superintendent to the respective parties, on application by them, or either of them. The bringing of such appeal from the decision of the County Superintendent, shall not operate as a stay of proceedings, unless such stay shall be specially directed by such County Superintendent; in which case a copy of the order staying such proceedings shall be served upon the opposite party.

#### COUNTY SUPERINTENDENTS.

The object of the Legislature in requiring the appointment of superintendents for the several counties of the State, may be expressed in the terms of the recommendation of that measure; that they should personally visit the schools; give counsel and instruction as to their management; discover errors and suggest the proper remedy; animate the exertions of teachers, trustees and parents, and impart vigor to the whole system. All writers on public education concur in the decided opinion that effectual inspection and supervision are more essential to the proper management of schools, and more indispensable to their improvement than any, or all other agencies combined. This high duty will now devolve chiefly on the county superintendents. If they realize its vast importance, and bring to its discharge a firm resolution to regard only the great interests confided to their hands, they will become the honored means of extending and sustaining a cause, on which depends the happiness and prosperity of the people, and the perpetuity of our institutions.

Their duties are so connected with the interests of others, and are so liable at times to conflict with the opinions and prejudices of those with whom they will associate, that the greatest prudence at the commencement of a system so new, and by many but imperfectly understood. As their usefulness will depend mainly on the influence they shall be able to exercise upon the officers and teachers of schools, and upon parents and the inhabitants of districts generally, they will endeavor to deserve that influence by their department, and studiously to avoid every thing which may impair it. Hence it will be indispensable that they should abstain wholly and absolutely from all interference in any local divisions, or in any questions by which the community in any town or district may be agitated; and al-

though they cannot be expected to abandon their political sentiments, yet it is obvious that any participation in measures to promote the success of any political party, will not only diminish their influence, and impair their usefulness, by exciting suspicion of the objects of their movements and measures, but will expose the office they hold to a vindictive hostility that will not cease until it is abolished. The intelligence of our people will not tolerate the idea of the agents of public instruction becoming the emissaries of partisan management.

The subordination of pupils, the good order of the schools, and the success of the whole system, depend upon the harmonious co-operation of all the officers charged with the performance of duties under it, and upon the maintenance of their authority in the respective spheres of their duty. The teacher must be respected by his scholars; and to insure this, they must be impressed with a conviction of his authority to govern them. The trustees of districts, and officers of towns, are to be sustained, and their authority respected in their appropriate departments, so as to insure the greatest degree of efficiency. Organization, and a central communication, will accomplish much in giving uniformity and regularity to the system: but after all, more is to be done by local efforts and public sentiment, especially in providing competent teachers and in filling the schools. It should, then, be the great object of the county superintendents to encourage and sustain these local efforts; to guide and enlighten the public opinion; and to interest parents in those institutions which are so seriously to affect the moral and intellectual character of their offspring.

To attain these purposes, it will be advisable for them to avail themselves of every proper opportunity to deliver familiar addresses in public, upon the importance of our primary schools, the necessity of attention to them, and the means of promoting their success. In their present condition, the points that seem to require the most attention are, *First*, The employment of good teachers; *Second*, The attendance of all the children in the schools during the whole time they are open; and, *Third*, The elevation of the standard of education.

They should impress upon parents, that cheap teachers cannot be good teachers, until all the principles of human action are reversed, and until men cease to pursue those employments which render the best returns for their talent and industry. From the employment of good teachers, other results will necessarily follow: particularly a more extended range, and a higher degree of instruction. These will, inevitably, fill the schools, by drawing pupils from those private and select establishments which are founded chiefly to supply the deficiencies of the common schools, and which ordinarily operate so much to their injury.

By the fourth section of the late act, the board of supervisors of any county in which there are more than one hundred and fifty school districts, (including those joint districts, the school houses of which are located within the county,) are authorized to appoint two county superintendents; in which case they are to divide the county into two convenient districts, and to assign a superintendent to each. Each county in the State, is, however, to have one county superintendent, upon penalty of being deprived of its share of the public money, unless otherwise directed by this department.

The appointment of two county superintendents whenever the number of districts in any county shall exceed one hundred and fifty, is strongly recommended. No one person can do full justice in the supervision of a greater number of schools during the limited periods for which they are annually kept open; and unless the supervision is thorough in all respects; unless the county superintendent has made himself familiarly and intimately acquainted with the resources, administration, and capabilities of every one of the schools which he visits; unless he has been enabled to detect and remove by judicious counsel and friendly advice, every material obstacle to the prosperity and success of the school; to develop all its advantages, and to give to it the means for attaining to an equality with those of the highest grade, the great object for which his office was created, has not been accomplished. It is, on every account, desirable that the county superintendent should, once at least in every year, and oftener if practicable, visit every district within his jurisdiction; thoroughly inspect its school; satisfactorily ascertain the qualifications of the teacher, and the facilities for instruction at his command; the condition of the school house and its appurtenances; the condition and prospects of the library; the degree of interest manifested towards the

school, on the part of the inhabitants, and all those other particulars which go to form the character of the school, and to determine the amount of mental and moral influence which it is to exercise on its inmates. But if, from the number of districts which it is made his duty to visit, he cannot accomplish this amount of labor, and at the same time faithfully discharge the additional obligations devolved upon him by the existing law, it is far better that he should restrict his visitations to a number to which he can do full justice, than that he should nominally conform to the strict requirement of his instructions, by making a flying visit to all the districts, without leaving any abiding, permanent impression of utility upon any. Let what is accomplished be accomplished thoroughly; what is done, be well done; and the temporary inconvenience which any one or more districts may sustain from a failure on the part of the county superintendent to reach them in any given period, will be more than counterbalanced by the amount of good effected when he does appear among them. All embarrassments arising from this source, may, however, in most cases, easily be averted by the appointment of two superintendents, under the section referred to.

### I. Visiting the Districts and Inspecting the Schools.

The statute makes it the duty of every county superintendent, "to visit and examine all the schools, and school districts committed to his charge, as often in each year as may be practicable, having reference to the number of such districts." This language is understood to mean that the districts and schools are to be visited as often as their number will permit.

1. The act requires the superintendents to notify the town superintendents of the towns, of the time appointed to visit the schools; and to invite their attendance. The superintendents will also give notice to the trustees of the districts, of the time when their schools will be visited. To enable them to comply with these provisions, they should make a previous arrangement of their visits, in reference to the means of travelling, so as to reach as many districts as possible in the shortest time; and for this purpose they will find it necessary to divide their counties into sections. Having fixed the time for visiting the schools in one or more sections, they should at once give ample notice, by transmitting a copy of their arrangement to the town superintendents of the towns embraced within it, and request them to communicate to the trustees of districts, information of the time appointed for inspecting their schools, or in some other way give publicity to their plans. It is presumed that publishers of newspapers would cheerfully insert such notices gratuitously. They have ever been found ready to render their assistance to disseminate information calculated to promote the interests of the common schools.

The inhabitants of the district, and particularly parents who have children attending the school, should be invited to be present at the inspection by the superintendent; and trustees of districts are hereby required, whenever they receive information of an intended visit, to communicate it as generally as possible to the inhabitants. Their attendance will afford an opportunity for the public addresses of the superintendents, before suggested.

2. *Examination of the School.*—Preparatory to this, the superintendent should ascertain from the teacher the number of classes; the studies pursued by each; the routine of the school; the successive exercises of each class during each hour of the day; the play spells allowed, &c. and thus obtain a general knowledge of the school, which will be found greatly to facilitate his subsequent duties. Every superintendent is enjoined to call for and examine the list of scholars in the book which the statute requires the teacher to keep, in order that he may see whether the names are correctly and neatly entered. He will also examine the *day roll* and the *weekly roll*, which by the preceding regulations, teachers are directed to preserve, and will ascertain by the proper inquiries, whether they are exact in entering all who are present.

The superintendent will then hear each class recite the ordinary lesson of the day. It will then be examined on the subjects of study. Generally it will be better to allow the teacher to conduct the exercises and examinations, as the pupils will be less likely to be intimidated, and an opportunity will be given of judging of the qualifications of the instructors.

To enable him to compare the school with itself at another time, and with other schools, and to comply

with the regulations hereinafter contained respecting the annual reports, the superintendent should keep notes of his observations, and of the information he obtains on all the subjects on which he is required to report; and he should particularly note any peculiarities which seem to require notice in the mode of instruction, in the government and discipline of the school, and the appearance of the pupils in respect to their cleanliness of person and neatness of apparel.

3. The superintendent will also examine the condition of the school house and its appurtenances; whether the room has the means of ventilation, by lowering an upper sash, or otherwise; whether it is sufficiently tight to protect the children from currents of air, and to keep them warm in winter; whether there is a supply of good water; the condition of the privies, and whether they are provided for both sexes; and the accommodations for physical exercise. Their attention will be given to the arrangement of the school room; whether the seats and desks are placed most conveniently for the pupils and teachers, and particularly whether backs are provided for the seats—a circumstance very important to the comfort and health of the children. They should also inquire whether black-boards and alphabetical cards, or any apparatus to assist learners, are furnished.

The preceding topics of inquiry are suggested, rather as hints of the most important, than intended to embrace the whole field. The judgment and observation of the superintendents will discover many other subjects deserving their attention.

4. The superintendents will also inquire into the condition of the district, in relation to its ability to maintain a school; whether its interest and the convenience of its inhabitants can be promoted by any alterations, without injury to others; and they will suggest whatever occurs to them, to the trustees.

In case of any gross deficiency or inconvenience, which the proper officers refuse or decline to remedy, the superintendents will note it in their annual reports to this department.

5. They will also examine the district library, and obtain the information respecting it, hereinafter required to be stated in their reports.

## II. Advising and consulting with the Trustees and other officers of School Districts.

This is made a special duty of the superintendents by the act; they are to advise the trustees and other officers in relation to all their duties; and to recommend to them and the teachers the proper studies, discipline, and conduct of the school; the course of instruction to be pursued, and the elementary books to be used. The notes which the superintendents make during their inspection of the school, will much facilitate the discharge of this portion of their duty.

1. In regard to proper studies: if they find any important one omitted, or that pupils are hasty on without thoroughly understanding the preliminary or previous branches, they should point out the error and its consequences. For instance, they should urge the absolute necessity of children being thoroughly and frequently exercised in spelling, so that they make no mistakes in any words in common use. Without this it is impossible for them to be good readers. And in the exercise of reading, they should insist on clear and distinct articulation, more than any other quality; and generally the ability of the superintendent is relied upon to detect bad habits in the manner of reciting, erroneous ideas of the subject, and superficial acquirements.

2. The discipline and conduct of the school. It can scarcely be necessary to remark on the importance of order and system in the schools, not only to enable the pupils to learn any thing, but to give them those habits of regularity so essential in the formation of character. Punctuality of attendance, as well as its steady continuance should be enforced. Parents should be told how much their children lose, to what inconvenience they expose the teacher, and what disorder they bring upon the whole school, by not insisting upon the scholars being punctually at the school room at the appointed hour; and above all, they should be warned of the injurious consequences of allowing their children to be absent from school during the term. By being indulged in absences, they lose the connexion of their studies; probably fall behind their class; become discouraged, and then seek every pretext to play the truant. The habit of irregularity and insubordination thus acquired, will be apt to mark their character through life. Trustees

should be informed that the omission of parents to require the regular and punctual attendance of their children will justify their exclusion, on account of the effect of such irregularity upon the other pupils.

The superintendents should also observe whether the teachers are careful to preserve the respect of their pupils, not only by maintaining their authority, but by a becoming deportment, both in the school room and out of it.

3. With regard to the *course of instruction*, the advice of the superintendents will often be of great value. The usual order has been found by long experience to be the best, viz: the alphabet, spelling, reading with definitions, arithmetic, geography, history and grammar. No child should be put to any study beyond his capacity, or for which he is not already prepared. English grammar particularly, demands so much exercise of the intellect, that it ought to be delayed until the pupil has acquired considerable strength of mind.

4. *The books of elementary instruction.*—It is believed that there are none now in use in our schools that are very defective; and the difference between them is so slight, that the gain to the scholar will not compensate for the heavy expense to the parent, caused by the substitution of new books with every new teacher; and the capriciousness of change which some are apt to indulge on this subject, cannot be too strongly or decidedly resisted. Trustees of districts should look to this matter when they engage teachers.

One consequence of this practice is, the great variety of text books on the same subject, acknowledged by all to be one of the greatest evils which afflict our schools. It compels the teacher to divide the pupils into as many classes as there are kinds of books, so that the time which might have been devoted to a careful and deliberate hearing of a class of ten or twelve, whereas all could have improved by the corrections and observations of the instructor, is almost wasted in the hurried recitations of ten or a dozen pupils in separate classes; while in large schools, some must be wholly neglected. Whenever the superintendents find this difficulty existing, they should not fail to point out its injurious consequences, and to urge a remedy by the adoption of uniform text books as speedily as possible. To accomplish this, let the trustees, under the advice of the teacher, inspectors and superintendents, determine what text books shall be used in each study, and require every child thereafter coming to the school to be provided with the designated books. This very desirable uniformity may, perhaps, be facilitated by exchanges between different districts, of the books that do not correspond with those in general use, for such as do. For instance, in one school the great majority of spelling books may be those of Webster, with some of Marshall's, while the latter may predominate in another district, in which there are several of Webster's. In such cases, an exchange of the differing books between the two would obviously be mutually beneficial. The superintendents might assist in the execution of such an arrangement, by noting the proportions of the various books in the different schools.

5. *The Erection of School Houses.*—The statute has enjoined upon the superintendents particular attention to this subject. Whenever they learn that the building of a school house is contemplated, they should advise with the trustees respecting its plan. He must be a superficial observer, who has not perceived how much the health of pupils, the order and discipline of a school, and the convenience of the teacher, depend upon the arrangements of the school room. This is not the place to state the best models. Information upon that point, collected with great care from Europe and America, has already been given, and will continue to be furnished in the District School Journal. Whenever repairs are about to be made to school houses, the superintendents should avail themselves of the occasion to recommend such improvement as may be desirable.

6. In their consultations with trustees and teachers, the superintendents should be especially careful to communicate their suggestions in a kind and friendly spirit, as the most likely means of success, and as the only mode of preserving those harmonious relations, which are essential to their own happiness as well as usefulness; and whenever they observe any thing in the mode of instruction, in the government or discipline of the school, or in any other point, which, in their judgment, requires correction, they will make it a point to intimate their views to the teacher in private, and never, on any occasion, suffer themselves to find fault with him in the presence of his pupils. Children cannot discriminate, and they will feel themselves at liberty to blame, when the example has been set by others.



The authority of the teacher should be preserved entire while he remains. If his conduct is worthy of public censure, he should be at once dismissed, rather than be retained to become an object of the contempt of his scholars.

### III. Reports to the Superintendents.

1. *The time when they are to be made.*—By § 38, of the act of 1841, (No. 173,) the county superintendents are required annually to make reports to the superintendent, at such times as shall be appointed by him. The town superintendents of common schools are required to file their reports with the county clerk, on or before the first day of August in each year. The law made it the duty of the county clerks to transmit certified copies of all such reports to the superintendent by the first day of October in every year. This duty is now to be performed by the county superintendents, who, for that purpose, are to have access to the reports filed in the clerk's offices without charge. Although the time thus fixed for transmitting the reports to the superintendent is longer than is necessary, in many counties, yet for the purpose of giving ample opportunity to render the returns full and accurate, the same time is hereby appointed for the county superintendents to make their reports; but it is required that they shall be made and deposited in the post-office in season to reach the office of the Secretary of State by the first day of October in each year. This is essential to enable the superintendent to prepare his annual report to the Legislature, for presentation at the proper period.

2. *Their contents.*—The reports are required by the statute to be the same as those now made by county clerks, with such additional information as the superintendent shall require. They will contain:

(1.) A statement of the whole number of towns and cities in the county, distinguishing those from which the necessary reports have been made, and those from which none have been received:

(2.) A true and accurate abstract of all the reports filed with the county clerk during the year, or since the preceding annual report, by the town superintendents of common schools of the several towns, certified by the county superintendents respectively, to be true and accurate abstracts of said originals. To facilitate the performance of this duty, printed blanks will be transmitted to the county superintendents. The several columns are to be footed, so as to exhibit an abstract of the reports for the whole county.

3. They will also report the number of district schools visited by them during the year, and the number of times each school has been so visited, specifying the number when they were accompanied by the town superintendent. They will state the condition of the schools under the following heads:

(1.) *Teachers.*—The number of males and their ages, viz: the number under 18 years of age; those over 18 and under 21; over 21 and under 25; over 25 and under 30; over 30 and under 40; over 40 and under 50; and over 50. The number of females and their ages in the same manner. The length of time those of different sexes have taught school, viz: the number of males who have taught less than one year; the number who have taught one year and less than two; two years and less than four; four years and less than six; more than six years; and the same in respect to females. They will also state the monthly compensation of the teachers, specifying how many receive the different sums that may be found to be paid; thus, the number receiving \$8.00 per month; the number receiving \$10.00, &c. and arranging them according to the sex of the teachers. They will ascertain from the teachers respectively, the different portions of time they have kept any one school, and will communicate the result in a table, showing how many teachers have kept the same school one year, two years, three years, four years, five years, more than five and less than ten, and more than ten years.

(2.) *The course and extent of study pursued.*—Under this head the report will state the following particulars:

Number of pupils in attendance at each time of visitation.  
 Number of classes in the school.  
 Number of pupils learning the alphabet.  
 Number of pupils learning to spell without being able to read.  
 Number of pupils learning to read.  
     do      do      to define words.  
 Number of pupils studying arithmetic, but not beyond simple division.

Number of pupils beyond simple division.

do      studying geography.  
 do      do      History of the U. States.  
 do      do      other history.  
 do      do      grammar.  
 do      do      use of globes.

do      engaged in other studies, specifying them and the number pursuing each study.

(3.) They are to report the result of their observations:

1st. In relation to the qualifications of the teachers generally.

2d. In relation to the mode of teaching adopted in the schools.

3d. In relation to their government and discipline.

And they will notice gross irregularities or imperfections.

5. *Condition of the School Houses.*—They will state the number built of stone; those of brick; of wood framed, and of logs; also the number having but one room; those having two rooms in which schools are kept, and those having three or more rooms; the number in good repair, and the number in bad or decaying condition. They will also state the number which have no privies; those which have one; and those which have two or more.

6. *Condition of the Districts.*—Any information which may be obtained under the inquiries already suggested, and which may be deemed useful, or in respect to which any beneficial action of this department can be had, will be stated in this report.

7. *The state of the district libraries.*—The county superintendents are required to examine the library of each district, and ascertain the whole number of books purchased, and on hand, and their condition; and the average number in circulation, i. e. the proportion usually kept out. They will state in their reports, the whole number of books in all the district libraries in the county, and the average of circulation obtained from the averages of each district. They will state, generally, the condition of the books, as far as seen by them, and the degree of care and attention apparently bestowed in their preservation by the trustees and librarian. If they discover any improper books in the libraries, they should suggest to the trustees their removal; and if they find them continued, notwithstanding, they will report the facts to this department.

8. They will also report the whole number of persons to whom they have given certificates of qualification as teachers, during the year, specifying their sexes and ages, viz: those under 16—those over 16 and under 21—over 21 and under 25—over 25 and under 30—over 30 and under 40—over 40 and under 50—and those over 50.

9. It will be perceived that trustees of school districts are required to state in their reports the number of select schools, other than those that are incorporated, within their respective districts, and the average number of pupils attending them. There are such schools in cities and villages, as in Utica, Schenectady, Poughkeepsie and other places, which are not within any school district. As the information desired has a very important bearing upon the common school system, the county superintendents are required to ascertain the number of such schools and the pupils taught in them during the year, which are kept in such cities and villages and are not included in any school district, and state them in their annual reports. They will be careful not to embrace any that are contained in the reports of the trustees; and to insure accuracy, they will specify the city or village in which the select schools are established. Those that are incorporated will be included in the reports to the Regents of the University.

### IV. The licensing of teachers and annulling their certificates.

1. *Examining and licensing teachers.*—This authority, it will be perceived, is given by sub. 2 of § 36, of the act of 1841, (No. 171.) It being very desirable that all the teachers should be licensed by the county superintendents, so as to secure the competent talent and knowledge, and to produce uniformity in a county; and to afford every reasonable accommodation to those desiring to offer themselves, they should make their arrangements to examine applicants for licenses in the different towns of their county, during their visitations in such towns. For this purpose, they should appoint a particular day and place in each town, and when the town is very large, in different sections of it, when they will be in readiness to examine teachers. Public notice of such appointment should be given. It is probable

that this will bring together several applicants, and thus diminish the labors of the superintendent; particularly as a license by him will obviate the necessity of early examinations, as well as prevent the necessity of a re-examination during the year. In making such examinations, they should confine themselves to the subjects specified in the statute in relation to town superintendents, § 46, (No. 57,) and should ascertain the qualifications of the candidates in respect, 1st, to moral character; 2d, learning; and third, ability.

*First.*—They should require testimonials of moral character, from those acquainted with the applicant, which should be either verbal or written, and the latter is to be preferred. This is not a matter to be neglected or slighted. Those to whom the training of our youth is to be committed, should possess such a character as will inspire confidence in the rectitude of their principles, and the propriety of their conduct: and it is to be understood as a positive regulation of this department, that no license is to be granted, without entire satisfaction on this point. This must be understood to relate to moral character—to the reputation of the applicants as good citizens, free from the reproach of crime or immoral conduct. It does not extend to their belief, religious or political; but it may apply to their manner of expressing such belief or maintaining it. If that manner is, in itself, boisterous and disorderly, intemperate and offensive, it may well be supposed to indicate ungoverned passions, or want of sound principles of conduct, which would render its possessor obnoxious to the inhabitants of the district, and unfit for the sacred duties of a teacher of youth, who should instruct as well by example as by precept.

*Second.*—As to the learning of the applicants. It should appear from their examination that they are good spellers, distinct and accurate readers, write good and plain hands, can make pens, and are well versed

1st. In the definition of words:

2d. In arithmetic, at least as far as the double rule of three:

3d. In geography, as far as contained in any of the works in ordinary use:

4th. In the History of the United States, of England, and of Europe generally:

5th. In the principles of English grammar: and,

6th. In the use of globes.

If they are found well acquainted with the other branches, a more slight knowledge of the 4th and 6th heads, as above enumerated, may be excused.

*Third.*—The ability of the applicants to teach. Mere learning, without the capacity to impart it, would be of no use. The deputies should satisfy themselves, by general inquiries, and particularly by a thorough examination of the applicants respectively, of their qualifications in this respect, of their tact in dealing with children, and especially of their possessing the unwearied patience, and invariable good nature, so necessary to constitute useful teachers of youth.

Having satisfied themselves on these several points, the county superintendents will grant certificates of qualification in the following form:

**Form of certificate of qualification to be granted by County Superintendents.**

TO ALL TO WHOM THESE PRESENTS SHALL COME, BE IT KNOWN, That I, \_\_\_\_\_ County Superintendent of Common Schools for the county of \_\_\_\_\_ having examined A. B. and having ascertained his qualifications in respect to moral character, learning, and ability to instruct a Common School, DO HEREBY CERTIFY, that he is duly qualified for that service, and accordingly he is hereby LICENSED to teach Common Schools, in any town and district of the said county, until this certificate shall be annulled according to law.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_ in the year one thousand eight hundred and forty \_\_\_\_\_

County Superintendent.

It is conceived that § 93 (No. 142,) applies only to the certificates of qualification therein specified, viz: those granted by the town superintendents of common schools, and that, while such certificates are valid only for one year from their date, those granted by the county superintendents, not being thus restricted and limited by law, have full force and effect until they are revoked or annulled by competent authority.

**2. Annulling certificates of teachers.**

1. This can be done only by a county superintendent, with the consent of the town superintendent, when granted by such town superintendent. But a license granted by him, can be annulled only by him.

2. Previous notice should be given to the teacher of

the allegations against him, when it is proposed to annul his certificate, particularly when the alleged ground is deficiency of moral character; and he should have full opportunity afforded him for defence. The county superintendent may, at any time, examine any person holding a certificate, to ascertain his qualifications with respect to learning and ability; and a refusal to submit to such examination, would be, in itself, sufficient evidence of incompetency, to justify the annulling his certificate.

3. The form of the instrument annulling the certificate, may be as follows:

**Form of instrument annulling a certificate.**

To all to whom these presents may come. Whereas, on or about the \_\_\_\_\_ day of \_\_\_\_\_ 184 \_\_\_\_\_, a certificate of qualification to teach Common Schools, was granted to A. B. by the [town superintendent of the town of \_\_\_\_\_ in the county of \_\_\_\_\_] or [by the County Superintendent of Common Schools of the said county of \_\_\_\_\_]. And whereas, on due examination and inquiry by the County Superintendent of the said county of \_\_\_\_\_ and the Town Superintendent of the town of \_\_\_\_\_ the said A. B. has been found deficient and unqualified to teach Common Schools; Know ye, therefore, that we, the said County and Town Superintendents, do hereby annul and declare void the said certificate of qualification so given to the said A. B.

In witness whereof, we have hereunto set our hands, this \_\_\_\_\_ day of \_\_\_\_\_ 184 \_\_\_\_\_

} County Supt.  
} Town Supt.

4. A duplicate of this instrument should be served on the person whose certificate is annulled, although it will be valid without such service. It is not necessary to give notice of it to the trustees of the district where he may be employed, to render it effectual; but such notice should promptly be given, to prevent the loss by the district, of its portion of the public moneys, which would ensue from the employment of a teacher not holding a license.

5. The county superintendents are required, at the expiration of every three months, to state in a separate report to this department, the names of all persons whose certificates of qualification have been annulled by them, with the cause of such proceeding. In cases where it may be proper, such reports will be published in the District School Journal.

6. They are also required to keep a register of the names of all persons to whom they grant certificates of qualification, with the date of such certificate, and the town in which it was given; and also of the names of all persons whose certificates are annulled by them, with the date of the act and the general reasons therefor.

Their proceedings in relation to the granting or annulling of certificates are subject to appeal to the superintendent, by any person deeming himself aggrieved.

**V. Miscellaneous Duties.**

1. County superintendents are undoubtedly within the class of public officers required by the constitution to take the oath of office. This oath should be filed with the county clerk previous to the performance of any duty.

2. Upon being duly qualified, they are directed to announce the fact to this department, stating their places of residence, and the post-offices to which communications intended for them should be addressed. They will also state the most practicable mode of transmitting to them any books or packages.

3. It is recommended to them to assemble the teachers of neighboring districts, as often as may be, at convenient places, that they may communicate with him and each other, on the best modes of promoting the success of their schools. By comparing their views respecting the manner of teaching, the government of schools, and the various topics of practical duty, they will eventually derive much benefit. Indeed there is no subject on which more light may be thrown than on that of primary education, by full and free discussion; not for the purpose of maintaining preconceived opinions, but with the honest desire of improving by the experience and observation of others. And if permanent associations of teachers can be formed in each county, or where the county is large in different portions of it, they will not only promote the usefulness of the members, but will produce those feelings of reciprocal kindness and good will, which should belong to a profession of such importance, and enable them to preserve

and increase the public respect and confidence by the salutary restraint they may exercise over each other, and by the means they will thus possess of excluding unworthy associates. The regular and steady increase in the rate of wages paid to teachers, proves that their profession is advancing in public estimation. The unnatural augmentation of the numbers of those who have heretofore devoted themselves to other professions, particularly that of the law, has produced the usual effect of a redundancy; and many of the best educated young men in our State are now turning their attention to the business of instruction, as the pursuit of their lives. In this state of things more depends on the teachers themselves, than on any other cause, to elevate the character of their profession, and with it, the standard of education, and thus expand to the utmost extent the blessings of our schools.

4. The county superintendents should make themselves familiar with the laws concerning common schools, the regulations of the Superintendent, and his decisions and instructions in explanation of them, which will be furnished to each. They will find this knowledge equally indispensable to the performance of their own duties, and to enable them to impart the information and furnish the advice for which they will be constantly solicited, and which is, indeed, one principal object of their appointment.

5. No stronger or more gratifying evidence can be afforded of the approbation with which the Legislature regarded the system of county supervision as at present established, than is comprised in the fact of devolving upon the officers charged or to be charged with these functions, the duty and responsibility of deciding in the first instance, upon all appeals now authorized to be preferred to this department. Under this provision, they are not only vested with most important powers in reference to the settlement of the numerous controversies which spring up in the several districts, but enabled to exert a prevailing influence of permanent utility as peace-makers, in that extensive class of cases where the paramount interests of education are now too frequently sacrificed to the attainment of a temporary triumph, or the gratification of a domineering, avaricious or selfish spirit. There can be no doubt that the presence and explanations and friendly counsels of one in whom all parties can confide—whose integrity is above suspicion—who comes to them, not with the dictatorial assumption of power, but as one deeply interested in their welfare and that of their children, and anxious only to restore harmony and peace where harmony and peace are indispensable to the common welfare, will, within the compass of a very short period, materially reduce the number of vexatious, protracted and unprofitable school district controversies and dissensions. There will still, however, be left a wide field for the exercise of sound judgment, nice discrimination and untiring patience and equanimity.

To qualify themselves for the judicious and enlightened discharge of the duties and responsibilities thus devolved upon them, the county superintendents must first render themselves familiar with the various laws relating to common schools and with the published decisions of the department under those laws. In order to secure as far as may be possible, perfect uniformity of decision throughout the State, it is recommended to the several county superintendents to refer at once to the head of the department, every question respecting the proper interpretation of any given statute or principle, not clearly apparent or specifically settled by the published decisions. It is of the utmost importance that the administration of the system should be uniform in every section of the State. Discordant principles and clashing decisions in reference to the same point, must, it is obvious, fatally weaken the influence of that admirable organization which now prevails, and introduce anarchy and confusion in the place of order and justice.

In the settlement and disposition of the various questions which will come up before them, the county superintendents can preserve and extend their influence and promote their usefulness, only by a strict impartiality between the contending parties, and a calm, temperate, dispassionate, but at the same time, firm and dignified examination and decision of the points at issue. If they err, either in reference to the facts or the law, a prompt remedy is afforded by an appeal to this department; but if they have imprudently made themselves, either by an overweening confidence in their construction of the law with reference to the particular facts of any given case, or otherwise, parties to the controversy, they will find it exceedingly difficult to regain that influence over the minds and feelings of the disappointed,

or even of the finally successful party, which is so indispensable to the efficient performance of their supervisory duties.

It will be perceived by the eighth section of the new act, that county superintendents are authorized hereafter to grant two classes of certificates of qualification to candidates for teachers: the one similar to those which they are now authorized to grant, and the other of the same description with those which town superintendents may grant. and that the consent of the town superintendent is not requisite to the annulling of either class. This discretionary power will enable them to discriminate between applicants of different qualifications, and at the same time to supply the demand for legally qualified teachers. A judicious exercise of the discretion thus vested in them, will speedily create a desirable competition among teachers for the higher grade of certificate, which ought never to be granted except to teachers of undoubted ability and qualifications, and should ordinarily be reserved until the county superintendent has thoroughly tested such ability and qualifications by a visit to the school.

6. By the tenth section, the State Superintendent is authorized, on the recommendation of the County Superintendent, or on such other evidence as he may deem satisfactory, to grant certificates of qualification of the highest grade. This power must of necessity be sparingly exercised: and will be reserved as the suitable reward of thoroughly tested superiority in teaching. The several County Superintendents are hereby directed, in their next and each succeeding annual report to specify the names and distinctive qualifications of any number of teachers not exceeding five within their jurisdictions, whom they are willing to recommend as candidates for such State certificate; having particular reference to ability and success in the communication of mental and moral instruction, and of the power of self-culture and the formation of those habits and principles best adapted to develop and strengthen the various physical, intellectual and moral faculties.

7. In the discharge of the various duties imposed upon them by the late law, the several County Superintendents will occasionally be called upon to receive and answer letters from inhabitants and officers of school districts. The expense so incurred is made a legal charge on the county; and the respective Boards of Supervisors are authorized to audit and allow the same. As such allowance, however, is discretionary with the Board, the Superintendents will find it advisable to curtail the expenses which may accrue from this source within as narrow bounds as possible. The facility with which personal communication may in most instances be had, and especially the opportunity which will be afforded by their periodical visitations of the districts, will obviate to a very great extent the necessity for epistolary correspondence. Cases will, however, frequently occur where such communications may be necessary: and when so certified under oath by the County Superintendent, the requisite amount will doubtless promptly be allowed by Boards of Supervisors.

8. The power of removal from office vested in the Superintendent will, it can scarcely be necessary to say, never be exercised unless upon the most pressing exigency, and in cases of flagrant neglect, violation or perversion of duty, where the action of the appointing power cannot be had in season to avert the evil. While the Superintendent will, in no case undertake to review or in any manner to control, by the exercise of this power, the designation by the respective Boards of the individual deemed most suitable to discharge the duties of the office of County Superintendent, he will take care that the confidence reposed in such individual, is neither abused nor betrayed: and especially that the great interests of education, and the salutary provisions of the legislature for their advancement are not rendered obnoxious to the people in consequence of the incompetency or unfaithfulness of the agent selected to vindicate the one and enforce the other.

#### UNIFORMITY OF TEXT BOOKS.

9. It is believed that the period has now arrived when an earnest and systematic effort should be made, under the auspices of the Town and County Superintendents, to relieve our institutions of elementary instruction from the serious embarrassments resulting from the diversity and constant change of text books. The several County Superintendents are therefore enjoined to avail themselves of the earliest practicable opportunity to cause a uniform series of text books, embracing all the elementary works ordinarily used in the common schools, to be adopted in each of the districts subject



to their supervision, under the direction and with the consent of the Trustees; and when so adopted, not to be changed for the term of three years. Whenever such uniformity can be extended throughout all the districts of the town, and throughout all the towns of the county, it is very desirable that such extension should be made; but from the great diversity of views in relation to the relative merit of different works, the progress of this extension must necessarily be slow. The foundations may, however, be laid by the attainment of uniformity in the respective districts, for an ultimate harmony of views and concert of action on a wider theatre.

10. The compensation of the County Superintendents is provided for by § 39 of the act of 1841, (No. 174.) They should make out an account of the number of days "necessarily spent in the discharge of their duties," which should be verified in the manner required by the board of supervisors, which is usually by oath. The board is then to audit and certify the whole amount to be paid. Upon producing to the county treasurer a certified copy of the resolution of the board, he is to pay one equal moiety out of the moneys in his hands for the contingent charges of the county. Another copy of the resolution of the board, certified by the chairman and clerk, should then be procured. To this should be attached an order signed by the co. sup. drawing it, to the Treasurer of the State, directing the payment of the remaining moiety, the amount of which should be specified, to some person to be designated therein. The person in whose favor the order is drawn will present it to the Comptroller, with the certified copy of the resolution, and that officer will draw his warrant on the Treasurer, who will pay the amount, on the receipt of the person presenting the order.

It is believed that under the provision allowing compensation "for the days necessarily spent in the discharge of their duties," the superintendents will have a right to charge for the time employed by them in visiting the schools and districts, in licensing teachers, in annulling their certificates, in collecting the materials for their reports, in visiting the academies in which departments are established for the instruction of teachers, in preparing the reports required of them, and copying those made by the commissioners of towns.

As their pay cannot exceed \$500 in each year, which will only cover 250 days, and as in the counties generally, more than that number of days will be required for inspections and preparing reports, there will be little occasion for very minute inquiries respecting the services entitled to compensation.

11. *County Visitors.* The authority to appoint these visitors given by the act of 1839, (No. 3.) remains in full force, and the gentlemen heretofore selected retain the powers conferred by their appointment and the statute. Although the same exigency for their services does not exist, yet they can still be eminently useful in awakening public attention and concentrating public opinion on the subject of primary education, by co-operating with the deputy superintendents. They are, therefore, to be encouraged and assisted in any efforts they may make to visit the schools and improve their condition. The County Superintendents will find them efficient and able auxiliaries.

A review of the several heads of these instructions will impress the County Superintendents with the extent, variety and importance of the duties they have assumed. They will perceive that their stations will not be sinecures; and that upon the faithful and conscientious discharge of their obligations will depend the success or failure of what is believed to be the greatest improvement in our system of common school instruction that has been made since its establishment.

It can scarcely be necessary to say that they are invited to communicate freely with this department; and that all the aid in its power will be cheerfully rendered to facilitate the performance of duties, to which the hopes and expectations of the friends of education are so anxiously directed, and from which so much is expected.

S. YOUNG,

Superintendent of Common Schools.

SECRETARY'S OFFICE, ALBANY, }  
December 1, 1841. }

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## OFFICIAL.

## TO TOWN SUP'TS OF COMMON SCHOOLS.

In consequence of the irregular receipt of the District School Journal containing the act of last winter in relation to Common Schools, the requisitions of the law entitling the several school districts to their proportion of the public money for the ensuing year, have in numerous instances been disregarded. Measures having now been adopted, calculated to secure the regular and punctual receipt of this paper in future, and sufficient time having elapsed since the passage and publication of the act referred to, and of the several acts and instructions relating to Common Schools, to enable the officers and inhabitants of the several districts to become acquainted with their provisions, the Superintendent, in the exercise of the power conferred on him by the 2d § of the act of 1841, (No. 30, Laws, &c.) and by the latter clause of the 6th § of the act of 1839, relative to District Libraries, (No. 185,) hereby directs the Town Superintendents to include in their apportionment of teachers' and library money for the ensuing year, every district within their respective jurisdictions, from which reports shall be received, shewing either a substantial conformity to law, or accompanied by a reasonable and satisfactory excuse, under oath, for non-compliance: and in every case where public money is withheld for a failure to show such excuse, to report the facts specifically to this department.

The means of enabling the several districts to participate in the apportionment of the public money for the present year, having thus been provided, the Superintendent trusts that no future relaxation of the provisions of the school law will become necessary. Every officer charged with the performance of any duty under that act, has been furnished with a copy of the law and of all the instructions and expositions of the Department: and there can hereafter be no valid excuse for a neglect of its provisions. The efficiency and success of the system depend so materially upon its faithful administration, and upon the prompt and punctual performance of the various duties devolved upon those charged with that administration, that a rigid adherence in future, to the requisitions of the law, will in all cases be insisted upon, where no unavoidable necessity exists for a departure from its strict provisions. No excuse will hereafter be received for a failure to comply with the law, based upon ignorance of its provisions, or neglect or carelessness to carry them into effect: and the inhabitants of the several districts, desirous of securing a participation hereafter in the public money, will take care to elect officers upon whose fidelity and punctuality they can depend. Every reasonable facility for compliance with the laws and instructions of the Department, will be furnished by the State, County and Town Superintendents, whenever applied to for that purpose: and those districts which have not been already provided with the Laws, Instructions, Blanks and Journals, should make immediate application therefor.

Albany, January 1, 1844.

S. YOUNG, Supt.